



Item:	B-1
Minutes for:	12/16/2020
Adopted:	03/17/2021

Minutes of a Regular Meeting of the Madera City Council

December 16, 2020
6:00 p.m.

Council Chambers
City Hall

This meeting was conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. The City Council meeting will be live streamed on the City's website. Members of the public were able to participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 978 7265 7853# followed by *9 on their phone to speak. Comments were also accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER: Meeting was called to order at 6:00 p.m.

ROLL CALL:

Present: Mayor Santos Garcia
Mayor Pro Tem Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4

Absent: District 5 is currently vacant.

Others present were City Manager Arnoldo Rodriguez, City Clerk Alicia Gonzales, City Attorney Hilda Cantu Montoy, Chief Building Official Steven Woodworth, City Engineer Keith Helmuth, Financial Services Director Roger Sanchez, Fire Division Chief Matt Watson, Fire Battalion Chief Jim Forga, Grants Administrator Ivette Iraheta, Human Resources Director Wendy Silva, Information Services Manager Mark Souders, Parks & Community Services Director John Scarborough, Planning Manager Gary Conte, Chief of Police Dino Lawson, Interim Public Work Director Dan Foss, Deputy City Engineer Randy Bell, Deputy City Engineer Ellen Bitter, Administrative Analyst II Mary Church, Communication Specialist Joseph Carrello, and Assistant Planner Adam Klier.

INVOCATION: Rev. Sammie Neely, Mt. Zion Missionary Baptist

PLEDGE OF ALLEGIANCE: Roger Sanchez, Financial Services Director

APPROVAL OF AGENDA:

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, THE AGENDA WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

PUBLIC COMMENT:

The first 15 minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

Jazmin Rueda of Los Girasoles Restaurant spoke on the utility bill.

No further Public Comment was submitted. Public Comment was closed.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Department of Public Health Update on COVID-19 (Report by Madera County Public Health Department)
2. Proclamation Recognizing December as General Aviation Appreciation Month
3. Proclamation Recognizing Battalion Chief James Forga for 39 Years of CAL FIRE Service and Service to the City of Madera Fire Department

INTRODUCTIONS: None

A. WORKSHOP: None

B. CONSENT CALENDAR:

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, THE CONSENT CALENDAR WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

B-1 Informational Report on Register of Audited Demands for November 21, 2020 to December 4, 2020.

Recommendation: No Action Required (Report by Roger Sanchez)

B-2 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-3 Antenna and Equipment Space Lease Renewal at the Madera Municipal Airport

Recommendation: Adopt a Resolution Approving the Antenna and Equipment Space Lease Renewal with the Federal Aviation Administration at the Madera Municipal Airport (Report by Daniel Foss)

RES 20-164 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING AN ANTENNA AND EQUIPMENT SPACE LEASE RENEWAL WITH THE FEDERAL AVIATION ADMINISTRATION AT THE MADERA MUNICIPAL AIRPORT

B-4 Madera Metro Public Transportation Agency Safety Plan

Recommendation: Adopt a Resolution Adopting the Madera Metro Public Transportation Agency Safety Plan (Report by Ivette Iraheta)

RES 20-165 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA ADOPTING THE MADERA METRO PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

B-5 Acceptance of Off-Site Improvements Associated with the Love's Travel Stops and Country Stores for the Madera Travel Center Project

Recommendation: Adopt a Resolution Accepting Improvements Required to be Installed in Connection with the Madera Travel Center Project per the terms of the Development Agreement between the City, Lisa M. Guzman, Trustee of the Bypass Trust Under the Guzman Living Trust Dated May 13, 2013 and Love's Travel Stops and Country Stores, Inc. (Report by Keith Helmuth)

RES 20-166 A RESOLUTION ACCEPTING IMPROVEMENTS FOR LOVE'S TRAVEL STOPS AND COUNTRY STORES FOR THE MADERA TRAVEL CENTER PROJECT AUTHORIZING THE FILING OF THE NOTICE OF ACCEPTANCE FOR SAID DEVELOPMENT IMPROVEMENTS AND AUTHORIZING STAFF TO RECORD THE NOTICE OF ACCEPTANCE

B-6 Extension of Streambed Alteration Agreement

Recommendation: Approve a Minute Order Authorizing the City Engineer to Request Extension and Execute Streambed Alteration Agreement with California Fish and Wildlife (CDFW) Relating to Routine Maintenance of City-owned Bridges (Report by Keith Helmuth)

C. PUBLIC HEARINGS: None

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:

D-1 Proposition 68 Per Capita Grant Funds

Recommendation: Adopt a Resolution Approving the Program Application(s) for Proposition 68 Per Capita Grant Funds (Report by John Scarborough)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM D-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 20-167 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE APPLICATION(S) FOR PER CAPITA GRANT FUNDS

D-2 Gateway Drive-Central Ave-3rd Street-E Street Sidewalk Improvements Project, Federal Project No. CML-5157(095), City Project No. R-38

Recommendation: Adopt a Resolution Approving the Contract Award for Gateway Drive-Central Ave-3rd Street-E Street Sidewalk Improvements Project, Federal Project No. CML-5157(095), City Project No. R-38, in the amount of \$383,857.00 to Witbro, Inc. dba Seal Rite Paving and Grading (Report by Keith Helmuth)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-2 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 20-168 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONTRACT AWARD FOR GATEWAY DRIVE - CENTRAL AVE - 3RD STREET - E STREET SIDEWALK IMPROVEMENTS PROJECT, FEDERAL PROJECT NO. CML-5157(095), CITY PROJECT NO. R-38, IN THE AMOUNT OF \$383,857.00 TO WITBRO, INC. DBA SEAL RITE PAVING AND AUTHORIZING CONSTRUCTION CONTINGENCIES RELATING TO THE CONTRACT

D-3 Madera Municipal Airport Runway 8-26 Runway Closure Markings

Recommendation: Adopt a Resolution Approving an Agreement with Anderson Striping and Construction, Inc. relating to the Madera Municipal Airport Runway 8-26 Closure Markings (Report by Daniel Foss)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM D-3 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 20-169 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING THE AGREEMENT WITH ANDERSON STRIPING AND CONSTRUCTION INC. RELATING TO MADERA MUNICIPAL AIRPORT RUNWAY 8-26 CLOSURE MARKINGS

D-4 Amendment No. 1 to the Agreement with Stantec Consulting Services, Inc. to Update the Waste Discharge Permit for the City's Wastewater Treatment Plant

Recommendation: Adopt a Resolution Approving Contract Amendment No. 1 for Professional Engineering Services to Update the Waste Discharge Permit for the Wastewater Treatment Plant in the amount of \$157,000 (Report by Daniel Foss)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM D-4 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 20-170 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA APPROVING FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO THE PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR THE UPDATE OF THE WASTE DISCHARGE PERMIT FOR THE CITY OF MADERA WASTEWATER TREATMENT PLANT

D-5 Submittal of Local Early Action Planning Grants Program (LEAP) Grant Application in the Amount of \$300,000

Recommendation: Adopt a Resolution Authorizing for, and receipt of, Local Government Planning Support Grant Program Funds (Report by Gary Conte)

ON MOTION BY COUNCILMEMBER RODRIGUEZ AND SECONDED BY COUNCILMEMBER MONTES, ITEM D-5 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

RES 20-171 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT
PLANNING SUPPORT GRANT PROGRAM FUNDS

D-6 Appointing a Third Councilmember to the City's Cannabis Ad-Hoc Committee

Recommendation: Approve a Minute Order Appointing a Third Councilmember to Serve on the Cannabis Ad-Hoc Committee (Report by Arnoldo Rodriguez)

City Attorney Hilda Cantu Montoy indicated that the Ad-Hoc committees cannot be comprised of half or more than half of the Council. Since the seat for District 5 is currently vacant, appointing another councilmember would make it half, so they are unable to appoint at this time.

City Manager Arnoldo Rodriguez stated this Ad-Hoc Committee can still meet with the two current members which are Mayor Garcia and Councilmember Rodriguez until the seat for District 5 is filled and another councilmember is appointed.

Council tabled this item and directed staff to bring back once the seat for District 5 is no longer vacant.

E. ADMINISTRATIVE REPORTS:

E-1 Discussion on Savings Achieved by Refinancing the City's 2006 California Infrastructure and Economic Development Bank (CIEDB) Wastewater Loan in the amount of \$6,497,000, with a Potential Annual Savings of \$23,000 to the Sewer Enterprise Fund

Recommendation: Deliberation and Direction Given from Council (Report by Roger Sanchez)

ON MOTION BY COUNCILMEMBER GALLEGOS AND SECONDED BY COUNCILMEMBER RODRIGUEZ, ITEM E-1 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

**YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA**

E-2 Seek Direction Regarding the 2021 Regular City Council Meeting Schedule

Recommendation: Deliberation and Direction Given from Council (Report by Arnoldo Rodriguez)

ON MOTION BY COUNCILMEMBER MONTES AND SECONDED BY COUNCILMEMBER GALLEGOS, ITEM E-2 WAS APPROVED BY A 6/0 VOTE. NOES: NONE. ABSENT: DISTRICT 5 IS CURRENTLY VACANT. ABSTAIN: NONE.

THE MOTION PASSED WITH THE FOLLOWING VOTE:

YES: 6 – COUNCILMEMBER GALLEGOS
COUNCILMEMBER RODRIGUEZ
COUNCILMEMBER MONTES
COUNCILMEMBER EVANS
MAYOR PRO TEM VILLEGAS
MAYOR GARCIA

E-3 Discussion on Status and Action Taken on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic

Recommendation: Deliberation and Direction Given from Council (Report by Arnolando Rodriguez)

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

Councilmember Gallegos could not find her notes on what to report. Mayor Garcia said they would come back to her to give her a chance to find her notes.

Councilmember Rodriguez stated that he and City Manager Arnolando Rodriguez presented Supervisor Max Rodriguez with a Certificate of Appreciation for his tenure with Madera County as he retired.

Councilmember Rodriguez would like City Manager Arnolando Rodriguez to present a future agenda item with City Employee Remote Work data which includes cost savings to the City, costs associated with equipment at employee homes, and addressing remote work as a component of business after pandemic.

Councilmember Rodriguez advised new councilmembers that he is available if they need assistance.

Councilmember Rodriguez asked City Manager Arnolando Rodriguez if Assistant Planner Adam Klier wanted to introduce himself. Mr. Klier introduced himself.

Councilmember Montes asked everyone to stay safe and wished everyone a Merry Christmas and Happy Holidays.

Councilmember Evans wished everyone a Merry Christmas and Happy New Year. She thanked everyone for welcoming her to the Council. She thanked City Manager Arnolando Rodriguez, City Clerk

Alicia Gonzales, and Human Resources Director Wendy Silva for being there for her. She truly appreciates it. She thanked Council for being supporting to her. She asked that everyone stay safe.

Mayor Pro Tem Villegas wished everyone a safe Merry Christmas. He thanked City Manager Arnoldo Rodriguez and City Clerk Alicia Gonzales for their assistance.

Mayor Garcia stated he attended the ADA meeting through Zoom. He didn't address them but was in the background. He thanked ADA for continuing to meet through the pandemic.

Mayor Garcia reminder everyone that applications are available to fill vacancies in City committees and commissions, as well as the Council District 5 seat. He encouraged people to apply.

Mayor Garcia wished Staff and their families safe and happy holidays. He stated that staff is not thanked enough for the work they do. Council does appreciate that work that staff does day-in and day-out for the people of Madera.

Mayor Garcia asked that everyone wear masks, practice social distancing and if possible that they get the flu shot.

Councilmember Gallegos thanked the Madera Evening Lions and Madera District Fairgrounds who put together a Hometown Christmas Parade last Thursday – Saturday. They had and sold out 400 tickets each night. They also took extra cars that wanted to come. She stated she saw happy faces, and kids singing, dancing, and laughing.

Councilmember Gallegos wished everyone a Merry Christmas and Happy Holidays.

G. CLOSED SESSION:

G-1 Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4)

One Case: City of Madera v. High Speed Rail Authority

G-2 Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4)

One Case

City Attorney Hilda Cantu Montoy made the Closed Session Announcement at 8:23 p.m.

Council returned from closed session at 9:04 p.m. with six (6) Councilmembers present as District 5 is currently vacant.

City Attorney Hilda Cantu Montoy stated there was no action taken on Item G-1.

Ms. Montoy stated there was no action taken to initiate litigation on Item G-2.

Ms. Montoy stated there was action to proceed with signing onto a letter that MID (Madera Irrigation District) will submit to the Department of Water Resources that objects to New Stone's GSP (Groundwater Sustainability Plan).

ADJOURNMENT: The meeting was adjourned at 9:06 p.m. Next regular meeting on January 6, 2021.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Approval of the minutes is not addressed in the vision or action plans; the requested action is also not in conflict with any of the actions or goals contained in that plan.

ALICIA GONZALES, City Clerk

SANTOS GARCIA, Mayor

MINUTES PREPARED BY
ZELDA LEON, Deputy City Clerk